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RECENT OBSERVATIONS ON HAVASUPAI LAND TENURE[1]

ELMAN SERVICE

101 161 THE HAVASUPAI INDIANS are a closely knit, isolated band in northern Arizona which has numbered around 200-250 people for as long as we know of them. Dr Leslie Spier visited them in 1918, 1919 and 1921 and has 114 published a full description of their culture.[2] Geographic isolation has restricted 177 the disruptive effects of white acculturation, so that Spier's ethnography is still accurately descriptive of the Havasupai, except for the few modern changes to be discussed in this paper. Aside from my interpretations as to the meaning of these more recent data, I have added nothing which was not already discussed by Spier in his monograph.

311 423 The Havasupai live by intensive irrigation farming, and make full use of the approximately 100 acres of tillable land. They are, understandably, strongly attached to their land, and feel that they live in a beautiful oasis which is unique in the arid Grand Canyon region. The individual land holdings are of very small patches, which, because of the vagaries of inheritance, are widely scattered among the holdings of other individuals. There are no particular problems involved in the control and apportioning of water for the fields, as the creek which bisects their canyon supplies more than enough for everyone. Upkeep of the main irrigation ditches is a community affair, while the lateral ditches are kept up by the persons effected.

114 596 [613] The Havasupai have no clan system, nor do they even recognize lineages based on relationships beyond the grandparental generation. The conjugal unit and the patrilocal extended family are the chief social structures within the village, which now consists of 38 occupied camps. In an interesting paper called *A Suggested Origin for Gentile Organization*,[3] Spier pointed out the possibility of patrilineal gentes arising here should there occur (1) a greater emphasis in patrilineal inheritance, and (2) a greater regularity in patrilocal residence, which together might tend to bring a further extension of kinship recognition in [591] the father's line. At the time of his visits, the usual post-marital residence was temporarily matrilocal, followed in a year or two by patrilocality.

1 Read before Section H—Anthropology of the American Association for the Advancement of Science, December 27, 1946. The data were obtained during a visit to Supai, Arizona, in May, June, and July, 1946.

2 *Havasupai Ethnography* (Anthropological Papers, American Museum of Natural History, Vol. 29, Part 3, 1928).

3 American Anthropologist, Vol. 24, pp. 487-489, 1922.

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Several changes have occurred since Spier's visits. The Indians no longer spend the fall and winter months of each year on the Plateau gathering wild foods and hunting. Males are more prominent nowadays as workers of agricultural land, possibly because this is the chief source of food, whereas in earlier times male hunting and female gathering were important supplementary food-getting activities, especially during the season of Plateau residence. White influence, too, is undoubtedly effective in promoting male predominance. Correlated with the above changes, the custom of temporary matrilocal postmarital residence is disappearing.

Out of 57 intra-village marriages in the past 30 years, 38 were clearly patrilocal, 16 intermediate, and 3 permanently matrilocal. The patrilocal couples all work on the husband's family's land, or have already inherited a share of it. All of the 16 "intermediate" couples live where they do because of various exigencies involving the inheritance of the land they work and/or the acquisition of one of the few permanent type houses. Of the three cases of matrilocality, two occurred because the male's father's household had died out. The other case is that of Spoonhead, who inherited no land from his own family. The reason for this will be mentioned later.

It therefore appears that the second of Spier's conditions has taken place to some extent, namely, an increase in male prominence with more regularity in patrilocal residence. Furthermore, this seems correlated with patrilineal inheritance of land. Apparently this inheritance, however, has not been of the sort that has furthered the patrilineal tracing of kindred. Disposal of land has often been attended by acrimonious disputes, so that one is probably justified in judging that perhaps neither individual ownership nor simple patrilineal succession are necessarily the only rules by which land is allocated. With this in mind I shall attempt to describe land rights by summing up data which involved circumstantial cases of inheritance, transactions, wills, and other overt manifestations.

Items of personal use other than land are clearly owned by the individual, and objects which are on the land—houses, crops, horses, and the few cattle—are also individually owned, for there is abundant evidence that a person can dispose of these items largely as he wishes. When he dies, much of his personal property is buried with him, his house is burned or abandoned,[4] and the crops he

4 About half of the houses are now of a permanent type and are not burned at the occupant's death, but are temporarily abandoned, to be occupied later when needed. There is no particular rule of inheritance with respect to the permanent houses, so they can be considered negligible as a factor in this discussion of inheritance. In another type of community, house ownership could, of course, be very important. See Elsie Clews Parsons, *The Hopi-Clan*

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423 planted stand in the fields and not cut or are destroyed. These things are so clearly
[423 his that it seems disgraceful that anyone else should consider using them after
768 he is dead. The land, however, is not so closely associated with the man who
uses it. He can plant on it wherever he chooses, but has no right to dispose of it
[425] as he sees fit without consulting his relatives, and additionally, the opinion of the
whole closely integrated community is an important factor influencing any deci-
sion he may wish to make.

Tribal government is vested in the three native chiefs who are now permanent
177 members of the council created by the Indian Office, but the chiefs and the
648 council exercise little authority, although they are encouraged to do so. Prob-
428 lems of inheritance and land rights, if not solved by the family, are usually
621 argued out and settled by general public opinion, or in extreme cases of non-
agreement are carried to the Government Agent as a last resort. For several
years the Indian Office has encouraged the Havasupai to make legal statements
and wills which would settle the disputes so often attending redistribution of
land after a death. These attempts were, of course, based on the assumption
that the Havasupai men owned their land as we own ours. That this assumption
was not accurate,[5] however, is attested by the fact that in most of the few cases
on record, the wills were disputed, and the land was finally redistributed accord-
ing to the usual complex pattern which pays little or no attention to any per-
verse notions of the previous occupant.

423 When Prince Wodo was a feeble old man, he wanted to turn his land over
578 to Lemuel Paya and Henry Hanna, who had been caring for him. Henry was a
cousin, and Lemuel was a more distant relative by marriage. Wodo's daughter
Lily, and his niece Katie, who had not taken any responsibility for his care, were
left out. They started a fuss which became quite bitter. It is said that the old
man was so upset that he locked himself in his house, set fire to it, and burned
to death. Katie and Lily divided the land. The inheritance pattern which justi-
fied this will be discussed below; suffice it at present to note that even in this
dramatic situation, Prince Wodo had no voice in the disposition of the land
which he had worked all his life.

121 It should be apparent from the above discussion that familial rights outrank
125 individual rights. As mentioned before, however, the fact of disputes and
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Complex of the Pueblos (in *Essays in Anthropology Presented to A. L. Kroeber*, pp. 229-232, Berkeley, 1936).

5 This is not said as criticism, and furthermore it does not apply to Mr Noble O. Guthrie, the present sub-agent in charge at Supai. He has made a sincere effort to understand the ways of the Indians, and has achieved considerable success. I am extremely indebted to him for his interest and cooperation.

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complexities indicates that factors other than simple familial inheritance rules must also be operative. In order to extract some sense from the obvious intricacies of inheritance, it was necessary to prepare a community genealogy, and to draft a detailed map showing the location and the proprietorship of each little plot of land; then the history of each of these individual pieces of land was detailed back as far as it was practical. From a study of the mass of this sort of data, it is possible to isolate three main considerations which tend to govern the familial and community decisions in land reallocation.

First, and most obvious, is closeness of relationship. It must be noted in this regard that "closeness" is perhaps better understood here to involve personal closeness and propinquity rather than actual blood relationship, though the two usually tend to be coincident. Thus a relative who lives and works in close harmony with his other relatives is considered nearer than one who lives away.[6] A second factor involves the personal qualities of the heirs, for a high premium is placed on industry and coöperation. A third factor, and an important one, is the relative needs of the persons being considered. Either or both of the second and third considerations often outweigh closeness of relationship.

I shall illustrate these three points with examples and supplementary discussion. When Gattagama died, Crook, his only heir, received all the land. This is a simple case of patrilineal inheritance, father to son. This is the only example of such simple inheritance, however, for this father and only son relationship is unusual.

The second factor, that allocation of land depends to some extent on the personal qualifications of the individual, is often very important. The three men who are poorest in land holdings, Joe Jones, Pete Mulgullo, and Spoonhead, can be cited to illustrate this point. Joe Jones is one of three brothers, but he inherited very little compared to the other two, because it is said, "He was lazy and wouldn't work." Pete Mulgullo never was interested in farming and, when he was younger, preferred to leave the canyon periodically to work for white men instead of helping care for the familial lands. Spoonhead is lazy and also has been regarded as not quite right in the head.

The third factor, need, is frequently decisive in determining which of several claimants to a plot of land will get it, or if several plots are involved, who will get the most. This concern over need operates at all times and it is not unusual that for this reason alone a distant relative of a dead man might get more land

6 See Mischa Titiev, *The Influence of Common Residence on the Unilateral Classification of Kindred* (American Anthropologist, vol. 45, pp. 511-530, 1943).

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428 then a closer one. It is explicitly felt and avowed that no man should be without enough land for himself and his family, and it is this feeling which tends to keep land holdings more equalized than they would be otherwise. It is quite possible 208 423 that in this factor public opinion, with a conception of community rights in land, intrudes itself most clearly and overrides the idea of familial rights.

All this is not to say that the land is at any given time always equally divided 311 among families in accordance with the enumerated principles. For example, 423 there is at the present time a widespread dissatisfaction with the amount of land controlled by the Sinyella family. This is because, of the once numerous family, only two brothers remain in the canyon, and they are both unable to work. Consequently they have considerably more land than they can use. This excess land lies idle because several younger members of the Sinyella family are now living outside the canyon. It is difficult to foretell exactly how the community will resolve this situation, but I should guess that if the younger Sinyellas do not return soon, someone else, probably newlyweds, will get permission to use some of the land. After a period of occupation, this land will be thought of as theirs. This is the way such conditions have often worked out previously. Spier has stated that proprietary rights in land depended most emphatically on use,[7] and this feeling seems to be strong today. It is difficult to lend a piece of land for a while, for after the new incumbent has used it for more than a couple of years, he has a pretty valid claim on it and is difficult to dislodge.

428 In some cases widows hold some of their husband's land, but it is usually, 768 perhaps always, because of the magnanimity of their dead husband's relatives. As soon as a widow remarries, the land reverts to the original family.[8] In general, land tends to stay in the consanguineal family. Rarely, a daughter as well as a son may share in the family land, especially if she marries a man who has little or no land of his own. The Havasupai *say* that newlyweds should be given land 423 by whichever family can best afford it, or preferably by both. If they are not given land outright, as is sometimes the case, they should help work the land and share in the produce of whichever family can best accommodate them. Detailed inheritance histories show that actually the husband's family tends to assume this burden more often than the girl's, but it is not a clear cut rule. As already suggested, it is this condition which seems to determine the present day post-marital residence. There is no marriage rule, beyond a feeling that close

7 *Havasupai Ethnography*, p. 231.

8 See Ruth Benedict, *Marital Property Rights in Bilateral Society* (American Anthropologist, vol. 38, pp. 368-373, 1936).

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relatives should not marry.[9] This probably helps account, in part, for the lack of patterning in acquisition of land for newly-weds. Sometimes a couple may hold different small plots of land which came to them from a variety of sources.

Land is sometimes held and worked in common by a group of relatives, though it is oftener divided as a matter of convenience. Sometimes only certain plots are held in common by an extended family, while the others are tended by individual members. There is apparently no feeling that one way is better than another. The tribe owns a large tract of grazing land on the Plateau, where they keep herds of economically useless horses. This area is common tribal land with no boundaries.

It is apparent that it would be misleading to sum up Havasupai land rights as "private property," for as Spier had already indicated,[10] the superficial appearance of individual land ownership is really ownership of the produce of the land. Actually there seem to be varieties of rights which pertain variously to the individual proprietor, the family, and the village.[11] The individual proprietor's rights to the land are largely rights to *use* the land. His control does not extend appreciably further than this, as can be inferred from the fact that if he fails to use the land, someone else soon occupies it. He has practically no rights which involve the disposal of the land, except insofar as he may be an influential voice in the deliberations of his family.

The rights of the consanguineal family are greater, and it is they who, in an immediate sense, have control over the disposition of their land. The rights of the community tend to be ultimate rights. Public opinion, and the council, when it is moved to act by a strong public feeling, is often the force which brings a family squabble to a decision compatible with the tribal interests. The three principles which guide land disposition—relationship, personal merit, and need—are public or tribal conceptions. The factor of relationship tends to keep the land within the family, and thus objectifies the familial rights, while by the latter two principles land tends to be distributed according to the best interests of the whole community.

The fact that a feeling of community rights in land is very strong among

9 Out of 39 intra-tribal marriages of individuals whose antecedents could be ascertained, 30 were between individuals of no traceable relationship; 9 were of distant relatives no closer than third cousins; 18 were of various degrees of second cousins; and only 2 were of first (cross) cousins, and they were once removed in generation.

10 *Problems Arising form the Cultural Position of the Havasupai* (American Anthropologist, vol. 31, pp. 213-222, 1929), p. 221.

11 See Max Gluckman, *Studies in African Land Tenure* (African Studies, vol. 3, no. 1, 1944) for a theoretical discussion of what he calls "clusters of rights."

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the Havasupai, and that use, merit, and need are such important considerations in the allocation of land, are factors which tend to keep patrilineal succession rather far from being a strict rule. The small community size probably helps keep the conception of village rights strong, and the limited amount of tillable land likewise contributes to the amount of community interest in land disposal, for otherwise there would soon be landless couples, while other families would have more than necessary.

One further point made by Spier should probably be discussed in connection with community size. He had mentioned the possible influence of the small population in inhibiting the group consciousness of a larger exogamous unit, but felt that this would be overcome by the tendency toward the reduction of the number of biological groups represented in the population.[12] Genealogies show that the blood groups are becoming reduced in number, as suggested, but the Havasupai still do not trace their lineages far enough to be aware of this. Lineages are not named, and even the use of the white man's type of surname has as yet had no effect in furthering the tracing of a patrilineal lineage beyond two or three generations, at the most. The "white name" is often changed, and a family may even have a name derived from an ancestral female. As an example of the tendency for a line to proliferate into new named families, three sons of a woman named Siyuidja founded three distinct families: the Siyuidja family, the Wescogame family, and the Watahomidja family. Therefore, I feel that the small population size continues to be of significance in inhibiting nucleation of the village.

My own data, collected twenty-six years after Spier's last visit, affirm, I believe, the essential validity of his analysis of an incipient clan system in Havasupai, and I add only that it appears to me that expansion of the population plus a corresponding increase of agricultural land are necessary ingredients before a unilinear lineage could become fully crystallized here, for only then would it be likely that a rule of patrilineal succession to familial lands could operate freely without interference from the strong conception of village rights which pertains at present.

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12 *A Suggested Origin for Gentile Organization*, p. 487.